

• • R E M A R K S • •

The Official Action of April 4, 2002 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, claim 3 has been canceled without prejudice or disclaimer and the limitations of claim 3 have been incorporated into claim 1, effectively presenting the limitations of claim 3 in independent form.

In addition, new independent claim 6 has been added which recites that the longitudinally opposite end regions of the fastening tape strips are non-removably bonded to the diaper in a vicinity of respective peripheral edges of said waist-opening and said leg-openings and that the intermediate regions extending between said longitudinally opposite end regions of the fastening tape strips are releasably bonded on an inner surface thereof by an adhesive region that is adapted to be separately bonded on the outer peripheral surface of said diaper when said diaper is rolled up for disposal.

Support for new independent claim 6 can be found in Fig. 2 and the discussion thereof regarding the adhesive 17 that is used to bond the opposite ends of the fastening tape strips, and the adhesive 14 and release sheet 15 that allows the intermediate portion of the fastening tape strips to be releasably bonded to the an outer peripheral surface of the diaper.

Entry of the changes to the claims is respectfully requested.

On page 2 of the Official Action the Examiner has objected to the drawings under 37 CFR §1.83(a). Under this objection the Examiner has indicated that the drawings must show the fastening tape strip extending so as to describe a curve.

In response to the objection to the drawings, claim 1 has been amended to recite that the fastening tape strips extend to describe an angle which is convex outward transversely of said diaper. This structure, is shown in Fig. 4 and is believed to encompass a "curved" shape, i.e. one in which a continuous angular shape is utilized.

Claims 1-6 are pending in this application.

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner has noted several claim limitations that lack sufficient antecedent basis in the claims.

In response to the rejection of claims rejected under 35 U.S.C. §112, second paragraph, applicants have carefully amended the claims to correct the insufficient antecedent basis problems noted by the Examiner.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,108,384 to Goulait.

On page 4 of the Official Action the Examiner has indicated that claim 3 is directed to allowable subject matter and that claim 3 would be allowed if rewritten in independent form and so as to overcome the rejection under 35 U.S.C. §112, second paragraph.

As noted above, by the present amendment, the limitations of claim 3 have been incorporated into claim 1, effectively presenting the limitations of claim 3 in independent form.

Accordingly, based upon the statement made by the Examiner on page 4 of the Official Action, it is believed that claim 1 is presently allowable together with claims 2, 4 and 5 which depend therefrom.

As noted above, new independent claim 6 recites that the longitudinally opposite end regions of the fastening tape strips are non-removably bonded to the diaper in a vicinity of respective peripheral edges of said waist-opening and said leg-openings and that the intermediate regions extending between said longitudinally opposite end regions of the fastening tape strips are releasably bonded on an inner surface thereof by an adhesive region that is adapted to be separately bonded on the outer peripheral surface of said diaper when said diaper is rolled up for disposal.

Goulait is directed to a disposable absorbent article with a combined mechanical adhesive tape fastener system that includes a secondary tape tab 61 that "has a fixed end 67 and a free end 6, wherein the fixed end is 67 is hingeably affixed to the primary tape tab 60." (column 13, lines 34-36).

Goulait states that the term "hingeably affixed" "refers to configurations wherein the fixed end 67 of the secondary tape is pivotally attached or joined to the primary tape tab 60 in such a manner that enables the free end 69 of the secondary tape tab 61 to be peeled away from the primary tape tab 60." (column 13, lines 37-42)

It is submitted that the structure and function of the mechanical adhesive tape fastener system, and particularly that of the secondary tape tab, excludes the structure of the present invention as set forth in claim 6 from being anticipated or otherwise used in Goulait.

That is, if both end ends of the secondary tape tab of Goulait were non-removably bonded to the underlying primary tape tab, the secondary tape tab would not be "hingeably affixed" the primary tape tab and not "pivotally attached or joined to the primary tape tab," as required by Goulait.

Accordingly, it is submitted that Goulait cannot be relied upon as anticipating or otherwise rendering obvious applicants' claim 6.

Based upon the above distinctions between Goulait and the present invention, and the overall teachings of Goulait, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Goulait as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

It is, therefore, submitted that any reliance upon Goulait would be improper inasmuch as Goulait does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Goulait and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

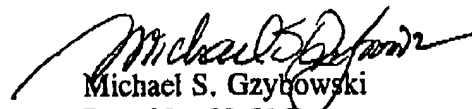
It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

The prior art cited and made record by the Examiner on page 4 of the Official Action has been reviewed, but is not believed to be particularly relevant to applicants' claimed invention.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-0385 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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Marked-Up Copy of the Claims  
As Amended on June 14, 2002

1. (Twice Amended) A pull-on disposable diaper comprising:

a liquid-pervious topsheet;

a liquid-impervious backsheet;

a liquid-absorbent core disposed between said topsheet and said backsheet;

a front waist region;

a rear waist region; and

a crotch region extending between said front and rear waist regions.

said front and rear waist regions being placed upon each other with said topsheet inside along transversely opposite side edges of said diaper to define a waist-opening and a pair of leg-openings, said diaper having an elastic stretchability circumferentially of said [openings,] waist-opening and said leg-openings.

said diaper further comprising fastening tape strips for holding said diaper in a rolled up state for disposal after said diaper has been used, said fastening tape strips being provided on an outer surface of said liquid-impervious backsheet and extending in [said] a longitudinal direction of said diaper in parallel to said transversely opposite side edges in at least one of said front and rear waist regions,

each of [these] the fastening tape strips having longitudinally opposite end regions thereof bonded to the diaper in a vicinity of respective peripheral edges of said waist-opening and said leg-openings and an intermediate region extending between said longitudinally opposite end regions

and including on an inner surface thereof an adhesive region adapted to be separately bonded on the outer peripheral surface of said diaper when said diaper is rolled up for [disposal.] disposal, said intermediate region of each of said fastening tape strips describing an angle which is convex outward transversely of said diaper.

Claim 3 has been canceled.

New claim 6 has been added as follows:

--6. A pull-on disposable diaper comprising:

a liquid-pervious topsheet;

a liquid-impervious backsheet;

a liquid-absorbent core disposed between said topsheet and said backsheet;

a front waist region;

a rear waist region; and

a crotch region extending between said front and rear waist regions,

said front and rear waist regions being placed upon each other with said topsheet inside along transversely opposite side edges of said diaper to define a waist-opening and a pair of leg-openings, said diaper further comprising fastening tape strips for holding said diaper in a rolled up state for disposal after said diaper has been used, said fastening tape strips being provided on an outer surface of said liquid-impervious backsheet and extending in a longitudinal direction of said

diaper in parallel to said transversely opposite side edges in at least one of said front and rear waist regions,

each of the fastening tape strips having longitudinally opposite end regions thereof non-removably bonded to the diaper in a vicinity of respective peripheral edges of said waist-opening and said leg-openings and an intermediate region extending between said longitudinally opposite end regions and being releasably bonded on an inner surface thereof by an adhesive region that is adapted to be separately bonded on the outer peripheral surface of said diaper when said diaper is rolled up for disposal.